

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREGORY FORRESTER,

Plaintiff,

21-cv-422 (JGK)

- against -

ORDER

NATIONAL VOLUNTARY ORGANIZATIONS
ACTIVE IN DISASTER, INC., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

For the reasons given at the conference held today, the defendants' motion to dismiss for lack of personal jurisdiction is **denied** with respect to National Voluntary Organizations Active in Disaster, Inc. and Michael Manning and **granted** with respect to Mark J. Smith and Warren Miller. The defendants' motion to dismiss the complaint for failure to state a claim is **granted** without prejudice to the ability of the plaintiff to file an amended complaint. The plaintiff's motion to file a sur-reply is **denied as moot**.

The plaintiff may file an amended complaint within 21 days. If the plaintiff fails to file an amended complaint, the plaintiff's claims will be dismissed with prejudice. If the plaintiff files an amended complaint, the defendants shall move or answer within the time limits set out by the Federal Rules of Civil Procedure. No pre-motion conference is necessary.

The Clerk is directed to close Docket Nos. 23 and 35.

SO ORDERED.

Dated: New York, New York
October 15, 2021


John G. Koeltl
United States District Judge